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January 15, 2004
**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

ANNE KUBLIN, M.D.
License No. MA 52227

Administrative Action

CONSENT ORDER

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

This matter was initially opened to the State Board of Medical Examiners ("Board") upon the filing of an Order to Show Cause and Verified Complaint on January 30, 2003, seeking the temporary suspension of the medical license of Anne Kublin, M.D. ("Respondent"). The Board records reflect that on or about January 6, 2003, Respondent was indicted in a three (3) count criminal complaint in Monmouth County. The First Count alleged Health Care Claims Fraud, a second degree crime. The Second count alleged Theft By Deception, a third degree crime. The Third Count alleged Forgery, a fourth degree crime. The Board records also reflect that on or about December 3, 2003, the

Attorney General filed an Amended Verified Complaint in this matter. Finally, the Board records reflect that on or about January 2, 2004, the Attorney General filed a Notice of Motion for Summary Decision. The Board finds that Respondent has engaged in numerous acts constituting fraud, deception and/or misrepresentation, in violation of N.J.S.A. 45:1-21(b), and has also failed to cooperate with the Board during the course of its investigation, in violation of N.I.A.C. 13:45C-1.2 and N.J.S.A. 45:1-21(e).

Respondent now being desirous of resolving this matter, without the necessity for a formal hearing, and the Board finding that the disposition of the matter, as set forth herein, is adequately protective of the public health, safety and welfare, and other good cause appearing:

IT IS, therefore, on this 14th day of January, 2004,

ORDERED THAT:

1. Respondent's license to practice medicine* and surgery in the State of New Jersey is hereby suspended for thirty-six (36) months for the above violations, retroactive to January 1, 2003. This suspension shall first consist of a six (6) month active suspension (already served), followed by a thirty (30) month stayed suspension.

2. The Board's records reflect that Respondent was accepted into a Pre-Trial Intervention Program in Monmouth County

on or about May 5, 2003. Respondent hereby agrees to comply with all terms of her Pre-Trial Intervention program and agrees to provide proof to the Board of her successful completion of that program.

3. Respondent shall make restitution to the Cigna/RX Prime insurance company in the amount of \$875.50 for the prescriptions that she unlawfully obtained. In addition, Respondent shall make restitution to any other insurance company through which she unlawfully obtained prescriptions, if any. Within thirty (30) days from the entry date of this Order, Respondent shall provide proof to the Board that these reimbursements have taken place.

4. Respondent agrees to participate in weekly psychotherapy with a Board approved psychiatrist or psychologist for two (2) years from the entry date of this Order, and then on a schedule to be determined by the therapist and the Executive Medical Director of the Physicians' Health Program ("PHP"). Respondent agrees to notify the Board, in writing, if she wishes to make any changes to her treatment program, including, but not limited to, any change in her therapist, and the Board must consent to any such changes in advance. The therapist shall submit quarterly reports to the Board, which detail the nature and quality of Respondent's participation in therapy.

5. Respondent shall meet monthly for face-to-face visits with a representative from the PHP to discuss her current medical

condition and to discuss her compliance with the terms of this Order. The PHP shall submit quarterly reports to the Board on Respondent's progress and agrees to immediately notify the Board if Respondent fails to comply with the terms of this Order.

6. Respondent shall meet quarterly for face-to-face visits with the Medical Director of the Board to discuss her current medical condition and her compliance with the terms of this Order, as well as her overall medical practice in general.

7. The Board's records reflect that Respondent is not currently employed. Respondent agrees to notify the Board, in writing, when she wishes to commence/change employment, and the Board must consent to any such employment or change in employment for eighteen (18) months following Respondent's return to active practice. Respondent, also agrees to practice only part-time (20 hours per week or less) during the first eighteen (18) months following her return to active practice. In addition, Respondent agrees to disclose her involvement with the PHP to any future employer, with the express agreement that the employer will notify the PHP of any evidence of non-compliance with this Order.

8. Respondent shall immediately advise the DEA of this Order.

9. Respondent is to enroll in and satisfactorily complete a Board approved ethics course, at her own expense, within six (6) months from the entry date of this Order. Proof of

completion of such course shall be provided to the Board within thirty (30) days of its completion.

10. Respondent shall pay a civil penalty in the amount of \$5,000.00. In addition, Respondent shall pay the Board's costs of investigation in this matter in the amount of \$6,871.36. The total amount of \$11,871.36 shall be memorialized in a Certificate of Debt duly recorded in the State of New Jersey, and shall be paid at the Court rule rate of interest (currently 2.0%) in monthly installments of \$109.23, to be received by the Board by the twenty-eighth (28th) day of each month commencing January 28, 2004, and ending January 28, 2014. Payments shall be made by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Medical Examiners at P.O. Box 183, Trenton, New Jersey 08625-0183. Any failure to make payments under the terms of this Order shall accelerate the total debt to the Board and shall subject Respondent to any and all remedies available to the Board under N.J.S.A. 45:1-21 and N.J.S.A. 45:1-22.

11. Following the completion of one (1) year from the entry date of this Order, or soon thereafter, Respondent shall appear before the Board, or a committee thereof, to discuss her current medical condition and compliance with the terms of this Order, as well as her overall medical practice in general. At that time,

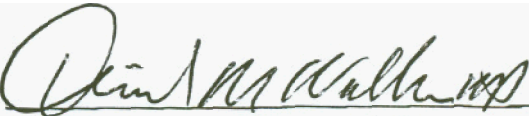
Respondent may petition the Board for modification of the terms of this Order.

12. Respondent shall comply with the "Directives ,Applicable to Any Medical. Board Licensee who is Suspended, Revoked, or whose Surrender of Licensure has been Accepted," which is attached hereto and made a part hereof.

13. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Respondent's conduct prior to entry of this Order.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:


David M. Wallace, M.D.
President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order, I understand that this Order has serious legal consequences and have decided to enter into this agreement with the Board without the advice of legal counsel, as is my right.


Anne Kublin, M.D.


David I. Canavan, M.D.
Executive Medical Director Emeritus
Physicians' Health Program

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the **information** required on the addendum to these directives. The **information** provided will be maintained separately **and** will not be part of the public document filed with the Board. Failure to provide the **information** required **may** result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq: Paragraphs 1 through 4 below shall apply when a license is suspended **or** revoked or permanently **surrendered**, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the **Board** office at **Post Office** Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office **for** the return of the documents previously surrendered to the **Board**. In addition, at the conclusion **of** the term, the licensee **should** contact the DEA to advise of the resumption **of** practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease **and** desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing **an** opinion as to professional practice or its application, **or** representing him/herself as being eligible to practice. (Although the licensee **need** not **affirmatively** advise patients or others of the revocation, suspension **or** surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is **also** prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee **authorize**, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may **accept** payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license **has** been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's **name** is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must **be** removed **and** returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for **less** than one year, prescription **pads** and medications **need** not **be** destroyed but must **be** secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited liability Companies

A licensee shall not **charge**, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the **effective** date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation **must** be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month **period** following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records **may be** obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At **the end** of the three month period, the licensee shall **file** with the Board the name and telephone **number of the contact person who will have access** to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her

medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the **expense** of the disciplined practitioner.

(a) Monitoring ~~of~~ practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected **by** the Board) to verify compliance with the Board Order and accepted standards ~~of~~ practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from **any** treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained **by** a rehabilitation program for impaired practitioners. **I**f bodily substance monitoring has **been** ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner **and** providing the designated sample.

NOTICE OF REPORTING PRACTICES OF BOARD REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all **orders** of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the **status** of a licensee, the inquirer **will** be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to **report** to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR **Section** 61.7, the Board is obligated to report to the **Healthcare** Integrity and Protection (**HIP**) Data Bank, any formal or **official** actions, such as revocation or suspension of a **license** (and the length of any such suspension), reprimand, censure or probation or any **other** loss of license or the right to apply for, or renew, a license of the provider, supplier, **or** practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such **Federal** or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the **Board** refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is **obligated** to notify **each** licensed health care facility **and** health maintenance organization with which a licensee is affiliated and every other board **licensee** in this state with whom he or she is directly associated in private medical practice.

In accordance with **an** agreement with the Federation of State **Medical** Boards of the United States, a list of all disciplinary orders are provided to that organization **on** a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the **next** monthly Board meeting **and** is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a **copy**.

Within the month following **entry** of an order, a summary of the order will appear **in** a Monthly Disciplinary Action Listing which is made available to those members of the **public requesting a copy**.

On a periodic **basis** the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press **Office** of the Division of Consumer Affairs may issue releases including the **summaries** of the content of public orders.

Nothing herein is intended in any way to limit the Board, **the** Division or the Attorney General from disclosing any public document.